IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
NOV 03 2016
ARTHUR JOHNSTON
BY ______ DEPUTY

MICHAEL PATTON; PATRICK JOHNSON: CHARTAVIAUNCA ODOM; DAWATHA PICKENS: MAMIE TURNER; REGINALD EVANS; CHARLES EVERETT; and DEANTHONY JONES **PLAINTIFFS**

VERSUS **CAUSE NO:** 2:16cv186-KS-MTP

WAYNE COUNTY, MISSISSIPPI (same entity As sheriff of Wayne County, Mississippi in his Official capacity) and JODY ASHLEY in his individual capacity **DEFENDANTS**

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiffs, by and through undersigned counsel, and makes this, their Complaint against named Defendants for violations of Title VII of the Civil Rights Act and Pursuant to 42 U.S.C. 1983, and would show unto the Court the following, to wit:

PARTIES

1. Plaintiff Michael Patton is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
2. Plaintiff Patrick Johnson is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
3. Plaintiff Chartaviaunca Odom is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.

4. Plaintiff Dawatha Pickens is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
5. Plaintiff Mamie Turner is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
6. Plaintiff Reginald Evans is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
7. Plaintiff Charles Everett is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
8. Plaintiff DeAnthony Jones is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
9. Defendant Wayne County is a governmental entity organized and authorized by the laws of the State of Mississippi who may be served with process through its Chancery Clerk at 609 Azalea Drive, Waynesboro, Mississippi, 39367.
10. Defendant, Jody Ashley is sheriff of Wayne County, Mississippi who may be served with process at 613 Court Street, Waynesboro, Mississippi, 39367.

JURISDICTION AND VENUE

11. The misconduct complained of herein arose in Wayne County, Mississippi. Jurisdiction of the parties and of the subject matter of this action are proper in this Court.
12. This action is authorized by Title VII of the Civil Rights Act and 42 U.S.C. § 1983 and made pursuant to the 14th Amendment to the United States Constitution.

FACTUAL ALLEGATIONS

13. Defendant Jody Ashley ran for sheriff during the Wayne County sheriff election in 2015

and took office in January of 2016.

14. All Plaintiffs had worked for the Wayne County Sheriff's Department for at least a year prior to Sheriff Ashley assuming the role of Wayne County Sheriff. Some Plaintiffs had been employed by the Defendants for over a decade, and all Plaintiffs had a good employment history with the Defendant.
15. Plaintiffs' roles varied from deputy to correctional officer.
16. All Plaintiffs are African American, while Sheriff Ashley and his Chief Deputy are Caucasian.
17. In December of 2015, in accordance with the instructions of Sheriff Ashley, the Plaintiffs' employment with Wayne County were all terminated without cause being provided to them.
18. No white employees were terminated as a result of Sheriff Ashley taking office, while some of the Plaintiffs were replaced by white employees.
19. Defendant lacked any good cause to terminate the employment of the Plaintiffs, and upon information and belief based its termination decisions upon Plaintiffs' race as African Americans.
20. Any grounds which may be provided by the Defendants for Plaintiffs termination would be wholly pre-textual and based upon disparate treatment between white and African American employees.
21. All Plaintiffs filed an EEOC charge attached cumulatively hereto as Exhibit "A" and have received a Right-to-Sue letter attached cumulatively hereto as Exhibit "B."

ALLEGATIONS OF LAW

22. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.

23. All acts of the Defendants were under the color and pretenses of the ordinances, policies, practices, customs, regulations, usages and/or statutes of the United States Government, the State of Mississippi and Wayne County.

24. It is the custom and policy of all Defendants to violate the constitutional rights of individuals in Wayne County, as complained of herein.

25. It is the policy and practice of the Defendants to violate the civil rights of African Americans in Wayne County.

26. Defendants' actions were in bad faith and were intended and designed to punish Plaintiffs.

27. At all times relevant to this action, Plaintiff's rights were clearly established. At all times relevant to this action, Defendants violated Plaintiff's constitutional rights.

28. Defendant Ashley is a final policy maker for Wayne County, Mississippi.

29. Defendants' actions evidence malice and/or constitute willful misconduct.

30. As a result of Defendants' actions, Plaintiff has suffered humiliation, embarrassment, loss of reputation and had their liberty and privacy interests severely impacted.

31. Alternatively, because liability in effect for issues of this kind, and because it is the intent of the Mississippi Legislature that the Defendants pay any claims for violation of a citizen's rights in damages under Mississippi Law, the doctrine of *Monell v. Department of Social Services*, 475 U.S. 335 (U.S. 1986), should not apply to this cause, and the Defendants should be held vicariously liable for its officials causing the civil liberty violations of Plaintiff.

32. Wayne County and Jody Ashley have evidenced a practice and custom of race discrimination in violation of Title VII and is responsible for these unlawful actions pursuant to 42 U.S.C. § 1983 and the 14th Amendment, including the negligent and intentional infliction of emotional distress under color of state law.

33. Defendants have conspired to deprive Plaintiffs of their rights and employment, inflicting emotional distress upon Plaintiffs, because Plaintiffs are black, in violation of 42 U.S.C. § 1981.

As a result of the Defendants' discriminatory practices and harassment, Plaintiffs have endured severe emotional distress, anxiety, stress, pain, suffering and loss of enjoyment of life.

PRAYER FOR RELIEF

Plaintiffs prays for actual, compensatory, special, and punitive damages in the amount to be determined by a jury, injunctive relief and for reasonable attorney's fees.

Plaintiffs seek damages for lost income, and mental stress and anxiety against the Defendants for:

A. Violation of 14th Amendment rights and 42 USC 1983;

B. Race discrimination under Title VII and 42 U.S.C. 1981;

RESPECTFULLY SUBMITTED this the 3rd day of November, 2016.

MICHAEL PATTON; PATRICK JOHNSON: CHARTAVIAUNCA ODOM; DAWATHA PICKENS; MAMIE TURNER; REGINALD EVANS; CHARLES EVERETT; and DEANTHONY JONES
PLAINTIFFS

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